

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TINA L. PATTERSON,

Plaintiff,

v.

**NANCY A. BERRYHILL, Acting
Commissioner of Social Security,**

Defendant.

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Case No. CIV-17-930-G

ORDER

On February 25, 2019, the Court entered an Opinion and Order and a Judgment reversing the decision of the Acting Commissioner and remanding this case for further proceedings. *See* Doc. Nos. 19, 20. Plaintiff Tina L. Patterson now requests an award of attorney’s fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. *See* Mot. Att’y Fees (Doc. No. 23). The parties have stipulated to an award of \$4700 in EAJA fees in this matter. *See id.*

Having considered the parties’ stipulated motion and the relevant record, the Court finds that: “(1) [P]laintiff is a ‘prevailing party’; (2) the position of the United States was not ‘substantially justified’; and (3) there are no special circumstances that make an award of fees unjust” in this case. *Hackett v. Barnhart*, 475 F.3d 1166, 1172 (10th Cir. 2007) (quoting 28 U.S.C. § 2412(d)(1)(A)). The Court therefore GRANTS the parties’ Stipulated Motion (Doc. No. 23) and awards fees in the amount of \$4700, with said amount to be paid directly to Plaintiff and sent in care of Kyle J. Saunders, Saunders & Saunders, P.O. Box 1605, Ada, Oklahoma, 74820. If attorney’s fees are also awarded under 42 U.S.C. §

406(b), Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 23rd day of May, 2019.



CHARLES B. GOODWIN
United States District Judge